
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 8:22-cv-01526-FWS-JDE

Date: January 5, 2024

Title: Paula Vargas-Lopez v. Hyundai Motor America *et al.*

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Melissa H. Kunig
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

**PROCEEDINGS: ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE
DISMISSED FOR LACK OF PROSECUTION**

On February 13, 2023, the court granted Defendant Hyundai Motor America's ("Defendant") Motion to Compel Arbitration and stayed the action pending the completion of an arbitration in accordance with the terms of the relevant warranty in this matter. (Dkt. 32.) On the same day, the court ordered the parties to file a status report every ninety (90) days regarding the status of the arbitration process. (*Id.*) On May 19, 2023, the parties filed their first joint status report. (Dkt. 34.) On September 7, 2023, having received no further joint status reports from the parties, the court issued an Order to Show Cause ("OSC") why the action should not be dismissed for lack of prosecution. (Dkt. 37.) The court instructed the parties that the OSC could be discharged by filing a joint status report that complied with the court's February 13, 2023, Order. (*Id.*) On September 21, 2023, the parties filed their second joint status report. (Dkt. 38.) As of the date of this Order, more than ninety days have passed since the parties' last filing, and the parties have not filed any subsequent joint status reports. (*See generally* Dkt.)

Accordingly, the court **ORDERS** the parties to show cause in writing no later than **January 19, 2024**, why this action should not be dismissed for lack of prosecution. The parties may discharge the Order to Show Cause by filing: (1) a joint status report that complies with the court's February 13, 2023, Order; and (2) the declarations of counsel stating that they have reviewed the court's February 13, 2023, Order and understand that the parties are required to

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file a joint status report regarding the status of the arbitration every **ninety (90) days** without further order or notice from the court.

Failure to adequately comply with the court’s order may result in dismissal. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629 (1962) (“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.”); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) (“It is within the inherent power of the court to sua sponte dismiss a case for lack of prosecution.”).

IT IS SO ORDERED.

Initials of Deputy Clerk: mku